

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20979 of 2004

Between:

S.Srinivasa Rao S/o.Venkat Rao
R/o.2-10-847/2, Jyothinagar Karimnagar.

... PETITIONER

AND

The Municipal Council, Karimnagar
rep. by its Commissioner, Karimnagar
Municipality, Karimnagar.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondent herein neither to dispossess nor to lay any road for public purpose through the open land of the petitioner in Sy.Nos.1044 and 1059 extent Ac.0.39 gets. situated at Pragathinagar, Ward No.31 of Karimnagar town without following due procedure under law ie. Without issuing any notice, without initiation of proceedings under Land Acquisition Act for payment of compensation or payment of damages by duly declaring the action of the respondent i.e., the steps taken for laying the road through the land of the petitioner in Sy.No.1044 and 1059 extent Ac 0.39 gets situated at Pragathinagar, Ward No.31 of Karimnagar town without following due procedure

under law and without taking into consideration of the decisions rendered by this Hon'ble Court as illegal, arbitrary and contrary to the well settled principles of law.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent: MR.R.TIMMA REDDY

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioner and also the learned Standing Counsel for respondent. Both the counsel have no objection for disposal of the writ petition finally at the stage of admission.

2. The petitioner claims to be the owner of land in Sy.Nos.1044 and 1059 in an extent of Ac.0.39 guntas situated at Pragathinagar, Ward No.131, Karimnagar Town. It is stated that the respondent without following due procedure under law and without initiating proceedings under the Land Acquisition Act, is taking steps for laying road through the petitioner's land.

3. It is well settled by catena of judgments of this Court, that if the property of a citizen is required for public purposes, the authorities should follow the due procedure contemplated under law for acquisition of the said property by putting the citizen on notice of the action proposed, if any. In view of the same, the respondents are under obligation to follow the due process of law for taking possession of the property or demolishing the structures. If the owners of the property decline to give consent for widening of the road, the respondents have to follow the procedure contemplated under the Land Acquisition Act for acquiring the property. Without following the same, no citizen can be deprived of the property nor any demolition can be resorted to.

The writ petition, with the above observations and directions, is disposed of. No costs.

A.

GOPAL REDDY, J

November 17, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Commissioner, Municipal Council, Karimnagar Municipality, Karimnagar.
2. Two C.D. Copies.